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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,298	01/31/2005	Cesare Fumo	2004_0997A	2538

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 07/28/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

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10500298	1/31/05	FUMO ET AL.	2004_0997A

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EXAMINER

William P. Fletcher III

ART UNIT	PAPER
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1792

20080724

DATE MAILED:

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Commissioner for Patents

1. The amendment filed on July 17, 2008, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the originally elected invention (09/13/2006) was drawn to method, while the new claims are drawn solely to apparatus. The newly claimed apparatus is distinct from the previously claimed method because the method could be practiced with a materially different apparatus: one without the structural particulars of the claimed distribution unit.
2. Note that Applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right). See MPEP 819.
3. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/William Phillip Fletcher III/
Primary Examiner